IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 7894 of 2007()

(C.R.NO.44/2007 OF THE BALUSSERY EXCISE RANGE)

PETITIONERS/ACCUSED NOS. 1 AND 2:

1. **SUJI @ SUJITH, S/O.BALAN,**
   AGED 26 YEARS, KAPPIKKUNNUMMAL, KANTHALAD AMSOM DESOM, KOYILANDY TALUK.

2. **SABUTTAN @ SABU, S/O.RAMANKUTTY,**
   AGED 35 YEARS, KANDOMALAYIL, KANTHALAD AMSOM DESOM, KOYILANDY TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT:

STATE OF KERALA THROUGH THE EXCISE INSPECTOR, BALUSSERY EXCISE RANGE, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

V. K.MOHANAN, J.

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Bail Application No. 7894 of 2007

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Dated this the 24th day of December, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C., the petitioners who are accused Nos. 1 and 2 in C.R. No. 44 of 2007 of Balussery Excise Range for offences punishable under Secs. 8 (1) and 34(A) of the Abkari Act for having been found in possession of 35 litres of illicit arrack, seek their enlargement on bail. First accused was arrested on 12.11.2007. Second accused had surrendered before the court below on 16.11.2007.

2. I have heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two solvent sureties each for the like amount to the satisfaction of the

concerned J.F.C.M. and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

Sd/-

V.K.MOHANAN, JUDGE.

Mbs/